

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.431/2007

Dated Thursday the 23rd day of August, 2007.

CORAM :

HON'BLE SHRI GEORGE PARACKEN, JUDICIAL MEMBER

- 1 Aboosala A.P.
Assistant Engineer(Retd),
Lakshadweep Harbour Works
Arackalpura, Kilthan, Andaman.
- 2 C.K.Koya,
Cheriakunnam, Kulam House,
Kalpeni,
Senior Foreman, Mechanic (Retd.),
Lakshadweep Harbour Works, Kavaratti ... Applicants

By Advocate Mr.T.M.Kochunni

V/s.

- 1 The Union of India represented by
Secretary, Ministry of Shipping,
New Delhi
- 2 Under Secretary to Government. of India,
Ministry of Finance,
Department of Expenditure, New Delhi
- 3 The Chief Engineer & Administrator,
Andaman & Lakshadweep Harbour Works,
Port Blair 74401.
- 4 The Deputy Chief Engineer,
Lakshadweep Harbour Works,
Kavaratti ... Respondents

By Advocate Mr.TPM I Khan SCGSC

The application having been heard on 23.8.2007 the Tribunal, on the same day delivered the following:

(ORDER)

Hon'ble Shri George Paracken, Judicial Member

The grievance of the applicants in this OA is regarding non

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payment of Island Special Duty Allowance (ISDA for short) from August, 1999. He retired on superannuation on 31/1/2004,

2 The Andaman Lakshadweep Harbour Works was set up in 1966 for providing, Navigational aids and other allied facilities in Andaman and Nicobar and Lakshadweep group of Islands. It has two wings called Andaman Harbour Works and Lakshadweep Harbour Works and it has its other offices functioning at Mainland locations i.e. New Delhi, Kolkota, Chennai, Mangalore, Calicut and Kochi respectively. The first applicant was initially appointed as Supervisor in the Andaman Lakshadweep Harbour Works at Minicoy Island w.e.f 22.11.1967. Thereafter he worked at Amini Calicut, Amini Minicoy, Port Blair, Kavarathi, Little Andaman, Chetlath, etc. while working as Senior Assistant Engineer (Civil) at Kilthan, Similarly, the second applicant was initially appointed as Welder-cum-Fitter under Workcharge Establishment of Lakshadweep Harbour Works, Calicut w.e.f. 17/7/73 and transferred to different Islands.

3 As per O.M. No.20014/16/86/E-IV EIB dated 14/12/1983, the Government of India has sanctioned ISDA for civil employees serving in Hard areas and Union Territories and Andaman and Nicobar & Lakshadweep Group of Islands. The applicants having the All India Transfer liability were also granted the ISDA in terms of the aforesaid OM and they have been drawing the same from 1983. Thereafter, the Ministry of Finance, Government of India have issued clarifications vide Annexure A-3 OM No.115(2)/2000 E-IIB dated 31/7/2000 wherein it has been stated "that a hard area allowance like Special Duty Allowance/ISDA should not

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be granted to those officers with All India Service Transfer Liability when they happened to be posted either in their native region or in any other region by their own request." In terms of the aforesaid OM, the respondents have stopped the payment of Special Duty Allowance to the applicants from August, 1999 for the reasons that they are natives of the Lakshadweep Group of Islands.

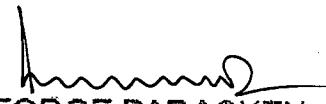
4 The applicants have relied upon the common orders of this Tribunal in order in OA 715/2006 and 808/2006 dated 17/1/2006 which was issued after consideration of its earlier orders in OA Nos.1282/2000, 618/2002 and 788/2004. In these OAs, the Annexure A 3 Office Memorandum of the Ministry of Finance was examined and it was held that the said OM has not opposed to grant of ISDA to islanders like the applicants who are under All India transfer liability as they have undergone transfers outside the islands. It was further held that those instructions have not placed any restrictions on the natives of the Lakshadweep islands in getting ISDA when they are posted in the Islands. All those OAs were allowed and the respondents were directed to continue to pay the ISDA to the applicants therein.

5 The submission of the respondents is that in the light of the order of the Tribunal dated 17/2/2006 in OA 788/04, the Administrator, Lakshadweep Administration has already taken up the matter with the Ministry of Shipping, Road Transport and Highways and they have in turn advised the Andaman and Lakshadweep Harbour Works to examine and determine the All India transfer liability in each case and extend the benefit

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of ISDA to all such employees fulfilling the eligibility criteria prescribed by Ministry of Finance's O.M. Nos.11(5)/97-E-(B) dated 29/5/2002 and 11(2) E.II(B)/2000 dated 01.07.2003.

6 In my considered view, the present OA is fully covered by the earlier orders of this Tribunal in OAs 1282/2000, 618/2002, 788/2004, 715/2006 and 808/2006. Accordingly, I allow this OA also and direct the respondents to issue appropriate orders granting the applicants the ISDA which has been dis-continued from 1999. Since both the applicants have already retired from service on superannuation, the respondents shall pass appropriate orders expeditiously and pay the entire arrears within two months from the date of receipt of copy of this order. No costs.



GEORGE PARACKEN
JUDICIAL MEMBER

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